(1) S.B.Cr.Misc. Bail App. No. 4892/07
(Karni Singh Vs. State of Rajasthan)

(2) S.B.Cr.Misc. Bail App. No. 4894/07
(Ishwar Singh Vs. State of Rajasthan)

Date of order : 01/10/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. B.S.Rathore for the petitioners.

Mr. Vishnu Kachhawaha Public Prosecutor.

Both these bail applications arise out of one and same FIR being FIR No. 28/07 Police Station, Ratannagar, district Churu and therefore, with the consent of learned counsel for the petitioners and public prosecutor for the State, the bail applications are heard and decided together.

It is contended by learned counsel for the petitioners that petitioner Karni Singh suffered as many as 13 injuries including the injury on his skull and petitioner Ishwar Singh suffered 12 injuries including the injury on his skull. Both these petitioners suffered numerous injuries at the hands of the complainant party. Learned counsel for the petitioners submits that deceased Panney Singh alleged to have suffered 13 injuries, except one, all other injuries are bruises and on non-vital parts. The injury No.12 is on the Fronto Parieto Region. In the statements of witnesses, it has been assigned to both the petitioners whereas the injury as per the post-mortem report is one.

Learned public prosecutor submits that there was a free fight

between the parties and injuries suffered by the deceased and the petitioner Karnisingh and Ishwar Singh are almost of equal number and nature. The deceased suffered one head injury, whereas the petitioner Karnisingh also suffered one head injury out of 13 injuries suffered by him at the hands of the complainant. The petitioner Ishwarsingh has also suffered as many as 12 injuries one of which is on the skull. Both the petitioners suffered injuries on vital part. There is cross FIR being FIR No. 29/07 dated 22.3.2007 for the offences under Sections 341, 323, 324, 325, 147 and 307 IPC and after investigation the police has filed challan against the complainant party. The deceased himself was aggressor and author of the injuries. He inflicted injuries to injured persons.

In the circumstances, therefore, looking to the facts and circumstances of the case and the facts that both the petitioners suffered numerous injuries i.e. 13 and 12 respectively as also other persons from the accused party namely Smt. Shayar Kanwar, Bharat Singh, Bheru Singh etc. have also suffered the injuries, as also the fact that the prosecution is not clear as to which of the accused petitioners caused head injury, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, both the bail applications filed under Sec. 439 Cr.P.C. are allowed and it is directed that petitioners Karni Singh S/o Bheru Singh and Ishwar Singh S/o Ganpat Singh be released on bail in CR No. 28/2007 P.S. Ratannagar, district Churu, provided each of them executes a personal bond for a sum of Rs. 20,000/- with two

sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP